

E 437

.H51

Copy 2

LIBRARY OF CONGRESS



00001740039

THE ATTITUDE OF JAMES BUCHANAN

A CITIZEN OF LANCASTER COUNTY

TOWARDS

THE INSTITUTION OF SLAVERY IN THE UNITED STATES

A PAPER PREPARED FOR AND READ BEFORE THE
LANCASTER COUNTY (PA.) HISTORICAL SOCIETY

BY

W. U. HENSEL

MAY 5, 1911

BEING ONE OF A SERIES OF PAPERS ON THE SUBJECT OF LANCASTER
COUNTY'S RELATION TO THE SLAVERY QUESTION

PRESS OF
THE NEW ERA PRINTING COMPANY
LANCASTER PA

The Attitude of James Buchanan (a Citizen of Lancaster County) towards the Institution of Slavery in the United States

BY W. U. HENSEL.

It is the happy and appropriate function of an historical society, with even the local limitations of ours, to fearlessly explore and faithfully chronicle the events of general interest which occur within its sphere, to determine and record the actual facts, discriminating the false and true; to cherish and perpetuate the traditions which hang around men and things, even though somewhat nebulous; to cultivate and preserve ideals of virtue, courage, patriotism and sacrifice; and to rightly relate our own local doings, in their origin and influence, with movements along lines and towards ends of State, national and world significance.

Thus it happens that, while we have been considering the various local phases under which the questions of slavery and abolitionism took concrete form in Lancaster county, and are approaching a popular celebration which will commemorate and illustrate this mighty issue of American politics in the last century, it is fit we view the attitude toward this question of the two citizens and public officials of Lancaster county who, of all in their day, reached the highest places and wielded the largest influence in the Federal Government. The lives of Thaddeus Stevens and James Buchanan, neither native to the county, and both becoming illustrious representatives of it, covered substantially the

same period of time. Mr. Buchanan came to the county much earlier than Mr. Stevens; he had achieved and ended his career as a lawyer long before Stevens entered upon practice here; and, while both were eminently successful as lawyers, they seldom encountered each other in politics, and were in no sense rivals at the Bar. Indeed, Mr. Buchanan's public career was practically ended before Mr. Stevens had ever attained anything like leadership of his party or in Congress. They were radically different in every element of their make-up; and this difference was highly accentuated by the circumstance that Mr. Buchanan's career covered a period when statesmanship was directed toward a compromise and evasion of the slavery question; while Mr. Stevens forged to the front when a consideration of the issues of abolitionism and universal suffrage irresistibly overwhelmed all other public questions and submerged those who would have obstructed their consideration.

A defter and perhaps more sympathetic hand than mind will sketch for you Mr. Stevens' relations to this question, which involve far more romantic interest than attaches to my theme. It must not be overlooked, however, that, first of all, Mr. Buchanan was born soon after the organization of the Federal Government, when no question of the abstract right of a negro slave to be freed was considered; when, as Chief Justice Taney said, with absolutely judicial accuracy, in the famous Dred Scot decision, in all the governments of the earth it was assumed the negro had no civil rights that the white man was bound to respect. Mr. Buchanan sprang from a race that always respected the rights of property, as well as the rights of man. He was born of a

household and into a church where liberty is regulated by law, and whose children were taught obedience to authority. His professional allegiance to Court and Constitution compelled him to measure ethical duties by the statutory standard.

Before he was elected to a seat in the House at Washington his constituents knew his views on the slavery question. At a largely-attended and enthusiastic meeting of the citizens of Lancaster, held in the Court House November 27, 1819, at which Hon. Walter Franklin presided, a committee of three framed the resolutions, which were adopted. They protested most vigorously against the existence of slavery in, or its extension into, the territories or new States. With James Hopkins and William Jenkins on that committee was associated James Buchanan.

Mr. Buchanan in his long public career more than once admitted that he had in later years changed some of the political views he entertained in his youth. Thus he recanted the first part of his memorable 1815 Fourth of July speech, which, by the way, had disappeared from all records and escaped the most vigorous search; and the writer of this paper was fortuitously instrumental in restoring it to his now complete works. So, in later years, he repudiated his assent to the resolutions of the anti-slavery meeting of his fellow-townsmen. In a private and confidential letter from Wheatland, March 16, 1850, to Jefferson Davis—who advised him that Simon Cameron had revamped them from an old Lancaster newspaper of 1820—Mr. Buchanan rather timidly wrote as follows:

"It may be & doubtless was the fact that in 1819 or 1820 my name was placed on a committee which re-

ported the resolutions to which that scamp General Cameron refers. I was then a young man—had a great veneration for the chairman of the committee as my legal preceptor, & probably was under the influence of the excitement then universal in Pennsylvania.”

In favoring the Missouri compromise line, which allowed the people only of a new State or Territory south of that latitude to establish slavery if they saw fit, Mr. Buchanan undoubtedly abandoned the Lancaster resolutions of 1819. None the less, it is manifest he had a conscientious belief that this would settle the slavery agitation and avert disunion.

His first Congressional declaration on the institution of slavery was in the course of a speech in the House of Representatives April 22, 1826, when in discussing the Panama mission, he incidentally said:

“Permit me here, for a moment, to speak upon a subject to which I have never before adverted upon this floor, and to which, I trust, I may never again have occasion to advert. I mean the subject of slavery. I believe it to be a great political and a great moral evil. I thank God, my lot has been cast in a State where it does not exist. But, while I entertain these opinions, I know it is an evil at present without a remedy. It has been a curse entailed upon us by that nation which now makes it a subject of reproach to our institutions. It is, however, one of those moral evils from which it is impossible for us to escape without the introduction of evils infinitely greater. There are portions of this Union in which, if you emancipate your slaves, they will become masters. There can be no middle course. Is there any man in this Union who could, for a moment, indulge in the horrible idea

of abolishing slavery by the massacre of the high-minded and the chivalrous race of men in the South? I trust there is not one. For my own part I would, without hesitation, bundle on my knapsack, and march in company with my friend from Massachusetts (Mr. Everett) in defense of their cause.

"I am willing to consider slavery as a question entirely domestic, and leave it to those States in which it exists. The Constitution of the United States will be my rule of conduct upon this subject. I have good reason to believe that the honest, but mistaken attempts of philanthropists have done much injury to the slaves themselves. These attempts generally reach the ears of the slave, and whilst they inspire him with false hopes of liberty, and thus make him disobedient, and discontented with his condition, they compel the master to use more severity that would otherwise have been necessary."

If the course of Congressional debate, of popular discussion on the hustings and movements of political parties, be fairly traced from that time down to the outbreak of the war, it will be found that Mr. Buchanan's attitude toward slavery was no more friendly than that of the great masses of the people of the United States, and of practically all its leading parties. In pronouncing it "a great political and great moral evil," he went about as far as was then demanded by its fiercest opponent, and in conceding that the Constitution regarded it as an entirely domestic question, to be settled and regulated by the States in which it then existed, he took a position which no constitutional lawyer could deny, and in exact accord with what Mr. Lincoln distinctly and frequently declared not only before but after his election.

Of course, the two great phases of the subject which subsequently arose to convulse the country, viz., the extension of the system into the Territories and new States, and the obligations of the citizens of free Commonwealths to treat fugitive bondsmen as chattels, were not then before the country for consideration; but it was a corollary from the legal status of slavery that, if it existed by right, the slave was property, and could properly be reclaimed like an ox; and that if an existing State could settle this purely domestic question upon its own authority, the people of a newly-organizing Commonwealth should be allowed to do the same. I speak, of course, from the viewpoint of the lawyer, and not of a humanitarian; and I am tracing the history of Mr. Buchanan's attitude and not justifying it. He was ahead of, rather than behind, the average philanthropy of his time.

Strange as it may sound in these later days, of entirely too much freedom of speech and licentiousness of press, the almost universal sentiment North seventy years ago was against the circulation through and by the United States mails in the slave States of publications assailing the property rights of the owner in his slave and calculated to incite insurrection and destruction. In deprecating such irritations Buchanan at least reflected the almost universal sentiments of his constituents, his party and his section of the country.

On August 18, 1838, Mr. Buchanan addressed a great Democratic mass meeting in this city, on the subject of "Abolitionism," and in opposition to the re-election of Governor Ritner. He deplored the partisan agitation of the question largely on the grounds that he believed it would postpone

and likely defeat its avowed object. He said:

"The Southern people, before abolition commenced, reposing on their constitutional rights, had much, very much, ameliorated the condition of their slaves. Education, and particularly religious education, was becoming common amongst them. In several of the States, the question of gradual emancipation had come to be freely discussed. The question had been seriously debated in Maryland, Virginia, Kentucky and Missouri; and the doctrine had found numerous and talented advocates amongst the most distinguished men of these States. In Virginia the voice of the friends of gradual emancipation had been raised with power in her legislative halls, and had been almost successful. Another effort, and this ancient and powerful Commonwealth might have followed the example of Pennsylvania and have become a free State."

He recurred to this view of the subject in an extended letter from Wheatland, November 19, 1850, addressed to a public meeting in Philadelphia. Like Mr. Webster and Mr. Lincoln, he was chiefly solicitous about the preservation of the Union, and he deprecated abolitionism mainly because that threatened it. He prophetically exclaimed: "Heaven forbid that the question of slavery should ever prove to be the stone thrown into the midst of our countrymen to make them turn their arms against one another and perish in mutual conflict!" His denunciation of pernicious agitation was far more measured and moderate than the utterances from the Bench of many Judges in Federal and State Courts throughout the North.

He may have been entirely mistaken in his diagnosis and in his remedy, but he was surely sincere in

his desire to relieve the malady. No less violent a Whig than Henry Clay shared his apprehensions; and Buchanan's apostrophe to the Union was an eloquent echo to Webster's two decades earlier. Mr. Buchanan closed his letter in these words: "But if, in the midst of such a temporary excitement, the Union should be dissolved, the mischief will then be irreparable. 'Nations unborn, and ages yet behind,' will curse the rashness of the deed. Should 'the silver cord be loosed, and the golden bowl be broken at the fountain,' human power will never be able to re-unite the scattered fragments. If the Almighty Ruler of the Universe has, in his Providence, destined the dissolution of the Union, as a punishment for the sins of the Nation, I hope, before that day, I may be gathered to my fathers, and never witness the sad catastrophe."

No man who ever tolerated the idea of disunion cherished those sentiments or wrote these words: "May this Union endure forever, the source of innumerable blessings to those who live under its beneficent sway, and the star of hope to millions of down-trodden men throughout the world."

As Secretary of State under Polk, he was unsparing in his efforts to break up what he called the "odious traffic" of the African slave trade; and he brooked no delay in bringing offending parties to justice.

When he favored the annexation of Texas he expressed his hopeful belief that this new outlet for slave labor would convert Maryland, Virginia, Kentucky, Missouri, and probably others, into free States. The time foretold by Mr. Randolph was near at hand in those States when "if the slave did not run away from his master, the master must run away from his slave." If five Common-

wealths were created out of the new Star of Empire three of them would be north of the compromise line and would be free. Anticipating the admission of California, Secretary of State Buchanan foresaw it was bound to be a free State.

The Fugitive Slave Law of 1850 was not, as it is often assumed, a new aggression of the slave power. Since 1793 there had been a Federal statute not only affirming the right of the master to follow and reclaim his fleeing bondsmen wherever found, but requiring the State Courts and legal authorities to enforce this right. In construing that Act in 1842, in *Prigg vs. Pennsylvania*, 16 Peters, 539, the Supreme Court of the United States—a Massachusetts Whig, Mr. Justice Story, delivering the opinion—explicitly affirmed this constitutional right of the master and clothed him with authority in every State of the Union to seize and recapture his slave wherever he could do it without a breach of the peace or any illegal violence. But the decision went further and held that State magistrates could not be required by Federal law to perform any duties involving the recapture and return of the escaped or escaping human chattel. This decision—which is quite as monumental in the history of slavery as the more famous *Dred Scot* case—practically enabled every State and community hostile to slavery to nullify the right of the slave owner to his property. Henceforth the promise that he should be secure in his inalienable ownership of his own was to be “kept to the ear, but broken to the hope.” Then began the long struggle between the humanitarian and the lawyer—and in that appeal, first to “the higher law” and then to the arbitrament of the sword, lies the whole issue which, in

one form or another, has been the basis of political differences, social agitation, governmental convulsion and civil war, ever since society was organized into commonwealths.

To say there is only one side to it, or that men of conscience may not, varying with their respective viewpoint, fairly espouse one or the other cause, is to say that normal vision must be near-sighted, cross-eyed or one-eyed. The greatest Teacher the world has yet seen declared that to Caesar must be rendered what is Caesars, but He expressly reserved to the decision of the individual conscience the determination of the more serious problem of what is Caesar's.

We have seen that by training and temperament Mr. Buchanan as a lawyer was committed to the legal side of the proposition; and if as a statesman he erred in so choosing, it must be admitted that in the day he lived and in the light in which he stood there were few who had the foresight to elect differently. They were at best sectionalists, and were neither representative men nor were they supported by popular sentiment. Least of all were the men who were later acclaimed the saviours of the Union—the Lincolns and Stantons, the Grants and Shermans, the Sheridans and Meades, the Thomases and Reynoldses, the Butlers and Logans—at variance with Mr. Buchanan on this question.

Apart from the consideration that no moral question can be permanently compromised, and that no nation could endure forever "half slave and half free," it must be conceded that the Clay compromise of 1850 was a fair one. The fact that the great Senatorial triumvirate—Webster, of Massachusetts; Calhoun, of South Carolina, and Clay from the South-

west—all strenuously advocated it, attests that it was a reasonable settlement. Under it California came in free; the domestic slave trade in the District of Columbia was abolished; the authority of the Federal Government was sufficiently strengthened to enforce the Fugitive Slave law without impressing the States into service, and the question of slavery in New Mexico and Utah was remanded to the exercise of the right of local self-government. It is not unreasonable to conjecture that had agitation then ceased, and had all parties observed the "status in quo," slavery would have become extinct gradually almost as soon as it was eventually abolished, and without the terrible tribute of blood, treasure and sacrifice which its abolition by war entailed on the country—not to count the unspeakable cost of sudden suffrage to the enfranchised race.

I cannot find any mention of or reference to the Christiana riot in any of Mr. Buchanan's published writings, although he must have been at Wheatland during this period. It was between his retirement from Polk's Cabinet and his appointment as Minister to England under Pierce; he was not then in official life; he was in waiting for the Presidential nomination; when it went to Pierce he promptly wrote the nominee that his own defeat did not cost him a pang.

He was in England from June, 1853, to April, 1856, and in June of the latter year he was nominated for the Presidency. His utterances in the meantime were those of diplomacy and his public papers reveal little of his attitude toward slavery during those exciting days of fierce debate that followed the deaths of Clay, Webster and Calhoun, the decay of the Whig party and the assumptions of

Stephen A. Douglas to leadership of the Democracy, with his Nebraska report and its long train of disturbing issues.

"Uncle Tom's Cabin" was early recognized by Macaulay as the most valuable addition that America had made to English literature; it awakened a popular interest in France, more intense than had been excited by Dumas' "Three Guardsmen" or Eugene Sue's "Mysteries of Paris." Naturally, therefore, Mr. Buchanan found it the subject of table talk in the British capital; and our Ambassador never shone more resplendent than in post-prandial discourse. When dining at the Duke of Newcastle's, our country's institutions were put upon the defensive, Mr. Buchanan was quick to remind the Chief Justice of the Queen's Bench that Lord Holt, as Chief Justice of England, had decided that negro slaves were merchandise; he secured assurances that England was not encouraging a republic of freed blacks in Cuba; he came back from England feeling that his public life was closing. His ambition to be President had ceased.

Be it noted that the man who was most responsible for the virtual repeal of the Missouri Compromise and for disturbing the truce of 1850, into which Clay, Calhoun and Webster—West, South and North—had all entered, and who asserted the power of Federal Government to enforce the right of the people of every new State to establish slavery within its borders, if they so elected, was Stephen A. Douglas. It was he who later destroyed the Buchanan-Breckenridge Democracy. It was he who held Mr. Lincoln's hat at the inauguration of the first Republican President, and upheld his hands. It was he who, while he doomed the Whig party,

organized the movement which kept the Democracy of Buchanan out of power for twenty-four years—a period pregnant with historical importance. Mr. Curtis surely does not overstate the case when he says that Mr. Buchanan did not approve Douglas' doctrine of "popular sovereignty," and that, had he been home in 1854, "it would have encountered his serious opposition."

It is true that Mr. Buchanan accepted the nomination of President from a united Democratic party, upon a platform which declared for the right of each State to control its own domestic institutions, and which deprecated all further agitation of the slavery question—thereby including an affirmance of the existing Fugitive Slave law. But when he did so, his views and those of his party were firmly crystallized into "the law of the land." The Republican convention of 1856, which rejected Abraham Lincoln as a Vice Presidential nominee, made no declaration against slavery. It contented itself by denying the right of Congress to either establish or disestablish slavery in the Territories, and asserted the right and duty to prevent it—and also the "twin relic," polygamy. The issue between the parties then was not a moral, but a legal one, viz., whether the Federal or the local power was to be supreme in determining the domestic institutions of a new commonwealth, organized out of territorial elements.

When the Kansas question came on for determination, and it was evident the majority of the settlers in that new State were anti-slavery, the Whig-Republicans remorselessly abandoned their Federal doctrine and asserted themselves in favor of the Democratic theory of local self-government. The

impartial student of the history of this period will see—as he may see again and again in our kaleidoscopic politics—that parties can thus suddenly shift their position and carry with them the great body of their members.

The storm center of Buchanan's Administration, so far as the slavery question was involved, was the conflict in Kansas. In that contest the Free Soilers, the Henry Ward Beecher and John Brown Abolitionists, leaned on the Democratic doctrine of home rule and popular sovereignty, and, had the Democratic party been true to its own faith, and accepted the results of its own teachings, it would have recognized at the outset what it finally realized and grudgingly accepted at the outcome, viz., that the spontaneous settlement of Kansas was anti-slavery, and it must come into the Union as a free Commonwealth.

The Buchanan Administration was mostly discredited by the turbulent proceedings over the declaration and determination of what was the actual verdict of the people of Kansas on the question of slavery under its State Government. The attempt of what was stigmatized as the "border ruffian" element to falsify that verdict reacted terribly against the political fortunes of the Democratic party. The outrages committed on both sides during that fierce and bloody contest were reprehensible; and it may be conceded that the slavery forces were by far the more aggressive, insolent and unscrupulous. It was a party blunder, amounting to a political crime on the part of the Buchanan Administration, not to recognize this, or, if it recognized it, not to admit it; albeit Kansas was finally admitted as a free State, President Buchanan signing the bill.

None the less, no party to the Kansas struggle was free from blame. The latest and most comprehensive biographer of John Brown, of Pottawatomie—Oswald Garrison Villard, grandson of Wm. Lloyd Garrison—makes it perfectly clear that Brown was a cold-blooded murderer, a remorseless thief, and a cruel guerilla; and all apologists of his conduct, whether in Kansas or at Harper's Ferry, belong to that class of casuists who make the end justify the means—who would cut a white man's throat to set a black man free; or would rob the rich to "scatter plenty" to the smiling poor. Outlaws have no place in organized society.

The whole Kansas affair was a shining illustration of the impossibility of soiving a question which involves a great moral issue by running an imaginary geographical line of compromise through the disputation. It ought to be a lesson to those who nowadays would settle the liquor question by local option policies!

The other notable incident of the Buchanan Administration which was most vividly related to the slavery question was the notorious "Dred Scot decision" of the Supreme Court. It was handed down two days after Mr. Buchanan's inauguration. No Judge participating in it was of his appointment; there is no proof whatever of the frequent innuendo that he knew of its contents in advance, or that their foreshadowings in his message were authoritative. The case had been argued and reargued; its significance was well understood in political circles; its decision was eagerly awaited; and many other sagacious statesmen believed with Mr. Buchanan that a final deliverance of the Supreme Court on the questions involved would be accepted by the

country-at-large as a settlement of them.

Their miscalculation was, at least, no greater than that of Mr. Lincoln and his advisers, who, four years later, cherished the delusion that war could be averted; and who, even six years later, practically offered the States in rebellion a continuance of slavery if they would return to the Union.

When Mr. Lincoln wrote to Horace Greeley that he would gladly spare slavery if thereby he could save the Union, he evinced the same spirit that Mr. Buchanan had repeatedly expressed when he deprecated abolitionism mainly because it threatened the integrity of the nation. Personally he had no more love for the institution when he quit public life, in 1861, than when in Lancaster, in 1819, he had declared against its extension. Individually he frequently purchased the freedom of slaves in Washington, brought them with him to Pennsylvania, leaving it to them to repay him, if they could, out of their wages.

There is a homely saying that hindsight is easier than foresight.

Few statesmen and fewer politicians are like Wordsworth's "Happy Warrior," who

"Through the heat of conflict keeps
the law
In calmness made and sees what he
foresaw."

It is a widespread popular delusion that Abraham Lincoln was the nominee of an anti-slavery party and was chosen a candidate and elected in 1860 on a platform pledging, if not abolitionism, at least some modification of slavery in the Southern States. Nothing could be further from the truth. Neither he nor the platform of his party assailed the morality of

slavery itself or the legality of the institution in the States where it existed. His nomination was the defeat of the radical wing of his party; it was a condemnation of Seward's doctrine of the higher law. In the opening speech of his famous Senatorial campaign Mr. Lincoln had intimated his entire willingness to let slavery where and as it was—the public mind having satisfaction and relief in the belief of its future gradual extinction. The Republican platform on which he was first elected President expressly declared for the maintenance “inviolate” of the right of each State to order and control its own domestic institutions—including slavery, of course—according to its own judgment exclusively. It is oftentimes forgotten that even the so-called Emancipation Proclamation, issued after nearly eighteen months of war, offered freedom only to the bondsmen of States and slaveholders in rebellion; it even enforced the odious Fugitive Slave Law against those who escaped from loyal owners, and recommended compensation for that class who lost their human chattels.

It will be remembered that the early popular and political responses to this mild measure of emancipation were so disappointing that Mr. Lincoln “doubted whether, indeed, God was on his side.” Benjamin R. Curtis, the great jurist, who had so powerfully dissented from Taney's decision in the first *Scot* case, published a pamphlet to show that Mr. Lincoln had no constitutional right to issue his edict of qualified freedom.

I recall these indisputable historic facts not to criticise some or defend others, but because it is only by keeping them in mind that one can rightly view men and events of fifty years ago

not only in their relations to the subject under discussion, but to all the tremendous questions whose settlement convulsed the land with civil war and happily brought our countrymen to the self-consciousness of a united nation.



